

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KEITH SEWELL,
Plaintiff,

vs.

C.A.No.04-85 Erie
District Judge Cohill
Magistrate Judge Baxter

UNITED STATES OF AMERICA,
Defendant.

1:04-cv-85

PLAINTIFF'S PRE-TRIAL NARRATIVE STATEMENT

By Order of the Court, the Plaintiff, Keith Sewell, appearing pro-se, submitts this pre-trial narrative statement and states as follows;

STATEMENT OF FACTS THAT WILL BE OFFERED
AT TRIAL

Plaintiff instituted this action as a results of being subject to medical malpractice, negligence in receiving proper treatment and misconduct by medical and institutional staff while incarcerated at the Federal Correctional Institution at McKean, PA. Specifically the Plaintiff was denied adequate medical attention which resulted in the Plaintiff suffering an injury that will affect the quality of the remainder of his life and will require constant medical attention and care for the injury which encompasses the use of his right hip and knee. The Plaintiff will show that in the years 2002 and 2003, the plaintiff suffered ongoing irreparable harm in his right hip and knee based on malpractice of the defendant's and their agents acting in behalf of the defendants.

Plaintiff requested a ~~jury~~ trial on all of the matters and states that the evidence and exhibits that will be presented during the course of trial will consist of records, documents recording the care of the plaintiff during this period of time and that testimony will be presented by the doctors who had previously treated the plaintiff and those who had treated him subsequent to the filing of this civil action.*

Petitioner will present all documents and memorandums outlining his efforts to receive adequate medical attention and will show that he endeavored to exhaust all remedies under the administrative remedy program available in the BOP. Plaintiff will show that the administrative remedy program was ineffective in responding to his medical needs and only served to further delay the treatment that the plaintiff was entitled to.

Plaintiff hopes to call all medical personnel, and BOP personnel that had a direct communication with him and was cognizant of his medical needs and contributed to the facts that denied adequate medical attention, to include the individuals of the medical department at FCI McKean and the Federal Medical Facility Devens Dr. H. Beam at FCI McKean, Dr. F. Bhatti, FMC Devens, DR. Olson, FCI McKean, all of whom will testify to the extent of the injuries sustained by the plaintiff, the treatment (or lack of) that he received and the condition that he is currently functioning under and future prognosis.

*Plaintiff reserves the right to call other witnesses as determined by any attorney that may be assigned to assist the Plaintiff in this matter. Plaintiff further states that counsel is necessary in order to secure expert testimony.

Plaintiff intends to call as a witness, Donald Moshier, an inmate currently confined at United States penitentiary at Lewisburg, who will testify as to the quality of the treatment he received at FCI McKean and who authored an article describing the lack of adequate treatment that was provided by the medical staff at FCI McKean.²

Plaintiff intends to introduce his medical record and other documents that will adequately demonstrate that Plaintiff sought to resolve the matters before the court prior to instituting this petition for relief and which will adequately demonstrate that the Plaintiff received sub-standard care.³

Plaintiff also intends to testify in regards to the quality of the care he received, the steps that he took to alleviate his condition and suffering and the attitude and responses of the staff that can not be presented by documentation.

WHEREFORE, Plaintiff states that the foregoing presented the basic contents of what will be presented at trial and asks this court to accept his pleading under a liberal standard with consideration for his pro-se status.

Respectfully submitted,


Keith Cawell

² Plaintiff reserves the right to call rebuttal witnesses that will further testify as to the treatment they received at FCI McKean

³ Plaintiff again request the assistance of counsel for the purpose of obtaining discovery materials to included the addresses of some of the defendants and witnesses in this case that is not readily available to the Plaintiff.

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FOR THE WESTERN DISTRICT OF PENNSYLVANIA

KEITH D. SEWELL,

Plaintiff,

v.

Civil Action No. 04-85E

UNITED STATES OF AMERICA,

Defendant.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "Plaintiff's Pre-Trial Narrative Statement" has been provided to the Defendant by placing a copy of the same in the mail with sufficient postage attached to cover the cost of mailing and addressed as follows:

United States Attorney
Western District of Pennsylvania
U.S. Post Office & Courthouse
700 Grant St., Suite 400
Pittsburgh, PA 15219

on this 30 day of November 2005.

Keith D. Sewell
Keith D. Sewell
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USP Lewisburg
P.O. Box 1000
Lewisburg, PA 17837